

**Final Minutes**  
**TRINITY ADAPTIVE MANAGEMENT WORKING GROUP**  
 Tuesday, April 12, 2011  
 Trinity County Library, 351 Main Street, Weaverville, CA

**Tuesday, April 12, 2011**

Start of meeting: 9:40 AM

Attending members:

Member:	Representative Seat:
Arnold Whitridge	Trinity County Resident
Sandy Denn	Glenn-Colusa Irrigation District
Emelia Berol	Northcoast Environmental Center
Gil Saliba	Redwood Regional Audubon Society
Kelly Gant	Trinity Lake Alliance
Dana Hord	Big Bar Community Development Group
Richard Lorenz	Trinity County Resident
Pat Frost <sup>2,3</sup>	Trinity County Resource Conservation District
Elizabeth Hadley <sup>2</sup>	City of Redding Electric Utility Department
Joe McCarthy	Commercial Fishing Guide
Jeffrey Sutton <sup>1,2</sup>	Tehama-Colusa Canal Authority
David Steinhauser	Six Rivers Outfitters and Guides Association

<sup>1</sup> Arrived during discussion of Item 2.  
<sup>2</sup> Left at the start or during discussion of Item 6.  
<sup>3</sup> Replaced by alternate Alex Cousins.

Members that did not attend:

Member:	Representative Seat:
Byron Leydecker	Friends of the Trinity River
Ed Duggan	Willow Creek Community Services District
Spreck Rosekrans	Environmental Defense

Designated Federal Officer: Randy Brown, Fish and Wildlife Service, Arcata, CA.

## **1. Welcome, Introductions, Adopt Agenda and Approval of December Minutes**

Chair Arnold Whitridge called the Trinity Adaptive Management Working Group (TAMWG) meeting to order. They reviewed the agenda and added a discussion of Weaver Creek. Whitridge next addressed the meeting minutes from December. Whitridge offered several edits he found and offered a correction he received from Byron Leydecker.

**Dana Hord made a motion to accept the December 2010 minutes.**

**Elizabeth Hadley seconded the motion.**

**The motion passed unanimously.**

## **2. Open Forum and Public Comment**

Tom Stokely of the California Water Impact Network and the Friends of the Trinity River asked to provide some comments on the letter submitted by Paul Fujitani of the Bureau of Reclamation (BOR) following Fujitani's recent visit and presentation to the TAMWG last December. Stokely first said he appreciated Fujitani's honesty by admitting that, in the BOR's view, the Trinity River program "plays second fiddle" to the Sacramento River projects. Stokely noted that, though it is honest, it is bad for the Trinity. Stokely cited page 3 of Fujitani's letter that states that the BOR does not consider the temperature objectives of the Trinity River to be "permanent requirements." Stokely also noted that Fujitani's letter states that the minimum pool requirements of Trinity Lake (600,000 acre-feet in September) are not required to be met, though they will try to meet them. Stokely opined that 900,000 acre-feet are the levels that are needed for reservoir carry over. Fujitani mentioned the BOR's permits for water exports from the Trinity (e.g., water right order 90-05) and stated that this does not require the BOR meet Trinity water temperature objectives, except when they use water to meet temperature objectives in the Sacramento River. Stokely summarized that his take home message was that, if the Trinity does not have a "backstop," they may find they will have extreme problems when a drought arrives and they lack cold water to mitigate warm waters in the Trinity. Stokely said that he would be preparing a letter with these issues.

Sandy Denn asked that Stokely provide some cites of legal foundations that help to support and clarify his statements about which programs have seniority over use of Trinity water. Stokely thought the law says that the Trinity River should not be "sacrificed" for uses for mitigation elsewhere and that he would glad to supply those legal cites.

During this public comment period, Alex Cousins of the Trinity County Resource Conservation District gave a short Powerpoint presentation on East Branch Weaver Creek and the muddy color of the water in Weaver Creek. They visited this area based on reports of extremely turbid water. He showed photos and noted that the turbidity plume was reaching as far as Hoopa Valley. An aerial photo showed a large landslide estimated to be 8.5 acres in size. The lower part of the slide had completely buried the creek and the creek was eroding through it. The Forest Service was going to visit the area on Friday to assess if the sliding may continue and if anything needs to be done. So far, they think the slide was caused by natural conditions. Cousins noted that he thought some sediment accumulation is occurring downstream in the Weaver Creek basin. Pat Frost noted that Weaver Creek and

East Branch are considered to be anadromous streams. Samantha Chilote, fish biologist for Weaverville Ranger District thought the fish would be likely able to deal with this sort of natural disturbance.

Travis Michel of the Trinity River Guides Association asked if the TAMWG could discuss their recently submitted letter and send it on to the Trinity Management Council. Whitridge said it was on the agenda as Item 6.

### **3. Designated Federal Officer topics**

Randy Brown, of the Fish and Wildlife Service, noted the Federal government averted a shut down last Friday. If Brown had been furloughed by the shutdown, the TAMWG would not have been able to meet as they are required to have the Designated Officer present.

Brown next commented on the progress on the renewal of the Charter of the TAMWG. He noted and that the Secretary of Interior recently signed the Charter and he passed out copies of the new version (Attachment 1).

He noted that some changes to the Charter since 2009. One change was allowances for TAMWG were removed, but reimbursable expenses were still allowed. A “recordkeeping item” was added that says records must be kept and be made available for public inspection. The Charter still states that the TAMWG reports to the TMC, the TMC reports to the Mid-Pacific Regional Director of the BOR and the Pacific Southwest Regional Director of the FWS. He also pointed out that the Charter stated that the Designated Federal Officer is Regional Director.

Elizabeth Hadley asked about item 4c (description of duties), that states the TAMWG can recommend studies and Requests for Proposals—she noted that this was an item the group hadn’t fully considered before. Whitridge noted that a lawyer might point her to item 5 which states the TAMWG reports to the TMC. Brown noted that getting the Charter and its language through the Washington office was “difficult at times” and that they in Washington sometimes do “what they want.”

Rich Lorenz applauded item 13 of the Charter that prohibits participation by members in matters which they have a direct financial interest.

Moving on to other news, Brown noted Tim Viel had moved on to a new job and his alternate cannot simply step in. Ann Hayden had never attended a meeting and would likely be removed. Brown has not heard back from Spreck Rosekrans who was reinstated.

Brown noted that the period for applications for new members on the TAMWG will be open in July and will close in one month. There can be up to 20 members.

Finally Brown passed out a copy of the TAMWG Bylaws (Attachment 2). There have not been revisions the Bylaws for some time other than a review of the voting rules. There was discussion to strike the reference to following Robert’s Rules of Order as they can be too “constraining.” Brown noted that the Bylaws were never signed by the TAMWG. Whitridge thought the TAMWG had essentially signed off by approving the Bylaws in the minutes. Brown said he would review and update the Bylaws. Gil Saliba thought the voting rules should be straightened out and the current rule of nine yes votes should be replaced by “a majority vote.”

#### **4. TMC Chair report**

Brian Person, chair the Trinity Management Council (TMC), first commented on the budget and the “gymnastics.” A continuing resolution constrains them to no new projects and level spending. This year spending allows spending based on the President’s request. They had not been able to award some projects and this has created some challenges. Just recently he found out that any expected reductions to the budget for the Trinity coming out of Congress should be very small and this is good news. Several projects will not be able to be completed due to the late start of this fiscal year. But he was basically hopeful about the overall expectations for the budget.

The first advertisements for a new Executive Director for the Trinity River Restoration Program (TRRP) were made over a year ago and they have now been through three iterations of reviews of candidates. This last round utilized advertising through 8 or 9 trade journals and this yielded 88 applicants. Many applicants were Ph.D. researchers with no management experience. They quickly narrowed the list down to 21 and then to 6. One was rejected for failure to list professional references, two dropped out, and three candidates were interviewed including the current Acting Executive Director, Jennifer Faler. A final choice has been made and Person expects an announcement soon.

Person noted that Ernie Clarke in the new Science Advisor position has worked well. He noted that the conflict of interest issue is not working as well. He noted the ongoing debate of whether the Executive Director should report directly to the Secretary of Interior. Person was of the opinion that local decision making would work best, but he acknowledged the TAMWG thinks direct connections to Washington are better. Person said he would pursue a joint meeting between the TMC and the TAMWG. There was discussion of facilitation and whether the past facilitator would still be useful. Issues included the downside of the high expense and some displeasure by some members, while the advantages of his past experience and knowledge of the group.

#### **5. 2011 Flow release schedule**

Andreas Krause, of the Trinity River Restoration Program (TRRP), made a Powerpoint presentation entitled “WY2011 Flow Release Recommendation.” The recommendation came from the Flow Workgroup with input of another 10 participants. The official water year type is based on an April 1<sup>st</sup> forecast and this year the forecast is for a “wet year” that allows a release of about 701,000 acre feet of water from Trinity Reservoir to the river. He described some background on how the water year is determined and passed out a handout describing forecasts (Attachment 3). He noted that the field information on snowfall for the Trinity basin is somewhat “sparse.” Therefore the forecast must also rely on computer models. He stated that the estimate of uncertainty in the forecast has been described as 20 %. The Workgroup produced a consensus recommendation called the WET 11-B, but two additional recommendations were also considered. Krause went over some of the objectives of the release flows such as channel evulsions and sediment transport that the release was supposed to address. He noted that the pre-release monitoring of the river has been completed, but post-release monitoring may be “at risk” under the continuing resolution of program funding.

The Record of Decision (ROD) recommended release for a forecasted wet year is to peak at 8,500 cfs for 5 days in late May. The WET 11-B varies from this by peaking at 11,000 cfs

and will peak earlier in the year (May 2nd) and only last 3 days. It is designed to interact better with the new restoration projects. These most recent in-channel projects have only been exposed to 6,500 cfs flows. The WET 11-B is estimated to be able to produce more “geomorphic work” than an 8,500 cfs release for 5 days, and the Workgroup wants to see the effects of these higher discharges. Krause noted that an earlier release is hoped to benefit establishment of beneficial trees on floodplains and the yellow-legged frog. He showed that the slow recession rate built into WET 11-B better matches the natural recession that would have occurred before the dam. The normal ROD wet and extremely wet flows had a 2,000 cfs bench that extended into July. The WET 11-B will hold the 2,000 cfs bench to June 24. Responded to a question, Krause did not know how the earlier release would affect the steelhead spawning. The release pattern is also set to facilitate level flows during days of habitat monitoring. They are also coordinating channel work with the flow—they want to open a side channel right before the peak release, do gravel injections during the 3-day peak, and to get flows below 450 cfs for in-channel work soon after July 15. They expect stream temperatures to be 3 F cooler this year compared to last year. The river temperature model produced some projected in-river temperatures that will exceed the desired levels in the river under WET 11-B, (e.g., temperatures during chinook out-migration may exceed 68 F at Weitchpec in late June). But these exceedances are predicted to be of short duration and typically would occur under the assumption of a warm summer.

Krause next discussed issues of potential damage to properties that may occur with an 11,000 cfs release. Krause showed photos that showed that the 10,100 cfs release of 2006 got very close to infrastructures in the floodplain such as houses. He also noted that 6 new houses have been built in the floodplain recently. Krause said that the 6 new-home permittees should have been informed through information given to Trinity County about the levels to which the river would rise under controlled releases under the restoration program. Responding to a question from a homeowner in the audience, Krause explained that tributary inflows are included in the predictions of river rise. Kelly Gant asked if the releases can be managed and even decreased to accommodate unexpected tributary increases. Krause said they drive the river and watch what happens during the high release, they first see what happens at 10,000 before deciding to go to 11,000 cfs. Another audience member asked if the river base has been raised by gravel additions and if this will cause increased flooding to houses. Krause responded that the river bed has actually been lowered in the critical areas. Jennifer Faler noted that two areas are being closely monitored—Indian Creek and Sawmill. Krause showed an aerial photo of the Teunissen property near Canyon Creek and showed a modeling limit of water produced under an 11,000 cfs flow at the same time as a 100-year flood event. He noted that this would flood this house with perhaps over 0.5 feet of water. He noted that this house was safe at 16,000 cfs but flooded with 0.5 feet of water at 19,000 cfs. He estimated that this house would remain safe under an 11,000 cfs release as long as tributary accretion was not more than 5,000 cfs (e.g., total of 17,000 cfs). Krause also pointed out that the Catanese and Castanga properties will have driveway flooding under an 11,000 cfs release. Krause said the program wants address these problems with the landowners and have tried to offer a mitigated solution, but no agreements have been made with these owners regarding potential damage.

Krause listed some contingency plans to re-allocate the water in real-time if the entire release is cannot be accomplished. These included to still maintain the highest releases possible, to supplement riparian releases, and to extend the 2,000 cfs bench beyond June 24.

A series of questions and discussion ensued about the planned release. One homeowner in the audience asked if this new WET 11-B is to be a permanent change or if release plans will go back to ROD recommendations. This homeowner also asked if the 8,500 cfs release were legally mandated or only recommended. It was the consensus from Krause and Whitridge that peak releases of the ROD could be modified.

A river guide noted measures of depths of the river the guides have made by depth finders and they are concerned that pools are being filled in. He wanted to know if there are provisions to fix these holes such as dredging. Krause thought, from an adaptive management point, that yes this should be taken into account, but he could not answer definitively. He noted the need for better understanding how the river acts.

A board member of the Trinity River Guides Association stated his support for WET 11-B as a “test to see what happens.”

George Kautsky of the Hoopa Valley Tribe noted an extremely wet year occurs 12 % of the time, a wet year occurs 28 % of the time. Kautsky questioned the “wisdom” of WET 11-B as a “departure from the plan” to learn how 8,500 cfs flows would effect the river. He noted this appears to be more of a “reactive” management and not “adaptive” management. Whitridge responded that they had expected to have had an 11,000 cfs release by now and that there is extreme interest to know whether 11,000 cfs would really work as the ROD proposed.

Tom Stokely noted that the California Water Impact Network supported the release. However, he further quoted an email message from Byron Leydecker stating that Leydecker did not support the WET-B11 because this represented “another deviation from the ROD.”

Elizabeth Hadley stated her support for the release, and noted that this was adaptive management at its finest, and given that the program had spent \$12 million to accommodate an 11,000 cfs flow, it was important to justify these improvements.

**Rich Lorenz made a motion that the TAMWG support the WET 11-B recommendation.**

**Jeff Sutton seconded the motion.**

**The motion passed unanimously.**

1:30 PM. Break for lunch.

## **6. Channel rehabilitation policies**

Jennifer Faler, Acting Executive Director of the TRRP, passed out a list of five actions she has proposed the program take in response to recent concerns from stakeholders regarding liability of the Bureau of Reclamation (BOR) from channel restoration activities (Attachment 4). She described these actions as: 1) host a design review conference by a panel of experts; 2) start a revised design process; 3) prioritize applicable assessments; 4) plan for Phase 2; 5) institute specific channel restoration policies.

When asked who might do the expert review, Faler said maybe three to five people that have actually done river design and not necessarily “professors from academia.”

Faler proposed a set of “administrative policies” for channel restoration. This policies were: 1) the purpose of bank restoration is to promote physical processes; 2) do no harm to historical, biological, or downstream areas; 3) do most gravel additions via injections during high flow and do gravel additions below Weaver Creek only by consensus of the design team; 4) wood structures should use no cables or man-made materials, structures greater than four pieces must be designed and stamped by a registered professional, and smaller structures should be part of a final design package; 5) construction projects that include in-channel work affecting hydraulics near infrastructure should be designed by Department of Interior staff or professional firms with at least five-years experience in large rivers.

Faler suggested that BOR liability concerns should focus on water-surface changes in the vicinity of infrastructure, large-woody debris placements, and impacts to utilities for which the TRRP is unable to remedy.

Rich Lorenz expressed his appreciation for Faler’s effort. He asked if side channels need to be included in the policy statements. He further emphasized the need to get the stakeholder involved. David Steinhauser noted a need to incorporate a “more natural look.” Aaron Martin noted that the design team is “just now getting the ideas” of how to restore a river and is worried that these policies can cause the program to take “two steps back.” He stated that he believes he understands what good habitat looks like and this is commonly taken into account during the design. He noted that large-woody debris is very important to fish and he questioned the assumption that wood structures of more than four pieces posing particular hazards. He thought some log jams may need to be engineered, but to engineer all structures would be too expensive and would set the program back.

Tom Stokely noted that these policies are a good start but that “independent scientific review” is missing from the policy statements. Travis Michel of Trinity River Guides Association noted that construction of excessive side channels will make the river difficult to fish and that the upper river is being “turned into a nursery.” He estimated the guide business brings in \$4 million to the local economy and it is important to keep the river in a fishable state. Another guide asked about work in the tributaries. Faler noted that the legal interpretation is that, since the dam did not affect the tributaries, work is only allowed to address sediment deliveries to the mainstem and no habitat restoration in tributaries is authorized. This guide also asked about how the program might assess whether the flows are having a positive or negative effect, especially if the flows do not drop below 500 cfs until July. If the flows take this long to drop low enough for any assessment work, starting the next round of restoration in July may be too soon. He noted that many of the guides are now concentrating their fishing on downstream, near Junction City and they are avoiding the upper river. Faler said she “hears and understands” this question, but she does not have a direct response right now.

Rich Lorenz and Sandy Denn both noted that “policy should come before science.” Tom Stokely noted that, since he has left the program and during discussions at conferences, other restorationists express shock to learn that tributaries are not part of the Trinity River Restoration Program.

## **7. TRRP performance measures**

Ernie Clarke introduced the concept of a “performance measures report” to assess how well the fisheries are responding to the Trinity River Restoration Program. He noted that none has been done and that many other programs do such measures annually. He noted the plan to have a draft report by September. He passed out a handout describing the nature of the report (Attachment 5).

Nina Hemphill is responsible for the report and presented more details. Hemphill noted that program scientists have offered some performance measures through their Workgroups and that she has also developed “strict criteria” for development of the performance measures. She went over some general concepts of how performance measures can be used. One example she gave was that performance measures might be used to “identify questions that cannot be answered” but still give estimates of “when a question might be answered.” She gave other examples of questions that may be asked of the program such as what percent of flows are sent down river, or status of riparian vegetation, attainment of scour objectives and temperature objectives.

Hemphill showed a couple of performance measures that she developed for fish. One was a graph of the ratio of hatchery to natural fish returning as adults. The graphs showed that in the most recent four years, the ratio natural to hatchery fall chinook has dropped from about 8:1 down to about 1:1. On the other hand, similar ratios for steelhead and coho show mostly hatchery fish.

Rich Lorenz asked if the fish are using the restored habitat and if there is a performance measure for that. Hemphill noted there are performance measures of how fish are using habitat, but that the current performance measures were chosen as the easiest to accomplish. She responded to Whitridge that this is not viewed as a single year effort, but an ongoing effort. She opined that the performance measures can give an answer, but the question is when the answer can be “made available.”

## **8. Acting Executive Director’s Report**

Jennifer Faler gave an update on the TRRP progress since the December meeting and passed out a handout (Attachment 6). She touched on the organizational refinements, budget update, science and monitoring update, implementation update, and recent reports. She noted that they still do not know their budget. This year, all investigation plans are being externally reviewed.

## **9. Annual election of TAMWG chair and vice-chair**

**Rich Lorenz made a motion to appoint Arnold Whitridge as chair and Pat Frost as vice chair of the TAMWG.**

**The motion was seconded by Sandy Denn.**

**The motion was passed unanimously.**

**10. Agenda topics for May 17-18 TAMWG meeting**

The next meeting was discussed plus agenda topics, and days for the meeting.

The meeting was adjourned.

## **LIST OF MOTIONS**

**Dana Hord made a motion to accept the December 2010 minutes.**

**Elizabeth Hadley seconded the motion.**

**The motion passed unanimously.**

**Rich Lorenz made a motion that the TAMWG support the WET 11-B recommendation.**

**Jeff Sutton seconded the motion.**

**The motion passed unanimously.**

**Rich Lorenz made a motion to appoint Arnold Whitridge as chair and Pat Frost as vice chair of the TAMWG.**

**The motion was seconded by Sandy Denn.**

**The motion was passed unanimously.**

## **LIST OF ATTACHMENTS AND OTHER DOCUMENTS**

Attachment 1: Trinity River Adaptive Management Working Group Charter. Handed out by Randy Brown. Signed January 14, 2011.

Attachment 2: Bylaws of the Trinity River Adaptive Management Working Group. Handed out by Randy Brown.

Attachment 3: California-Nevada River Forecast Center information page. Handed out by Andreas Krause.

Attachment 4: Proposed responses to input received at December TAMWG meeting, letter from Trinity River Guides Association, and letter from Interior secretary from California Water Impact Network, et al.

Attachment 5: 2011 performance measures report. Handed out by Ernie Clarke.

Attachment 6: Director's report. Handed out by Jennifer Faler.

Other documents:

Letter from TAMWG to the TMC. December 15, 2010